

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

**INTERMEC IP CORP., a Delaware
corporation,**

Plaintiff,

C. A. No. 06-411-GMS

v.

**ALIEN TECHNOLOGY CORP., a
Delaware corporation,**

Defendant.

**DECLARATION OF JOHN STEPHEN SMITH
IN SUPPORT OF ALIEN TECHNOLOGY CORP.'S
MOTION TO DISMISS OR, IN THE ALTERNATIVE, TRANSFER**

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Attorneys for Defendant Alien
Technology Corporation

August 18, 2006

I, Dr. John Stephen Smith, declare as follows:

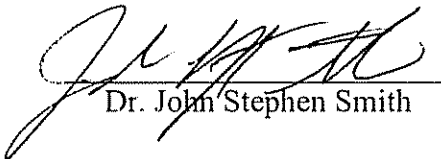
1. I am Chief Technology Officer and Founder of Alien Technology Corporation ("Alien"). The contents of this Declaration are within my personal knowledge. If called as a witness in this action, I could and would testify competently to its contents.

2. Thirteen of the 14 patents-at-issue in the North Dakota and Delaware cases (all, except US Pat. 5,528,222) relate to the reader-tag air interface protocol.

3. To understand the patents-in-suit in the two cases (other than the '222 patent), one will need to know the operation and communication (the interoperability) between tags and readers properly to understand the technology, the patents' claims, and Alien's products, including for example (i) reader commands for selection and identification, (ii) tag selection states and functions, and (iii) powering tag by reader and loss of power during "frequency hopping."

4. Three of those patents Intermec IP asserts in the Delaware Action (Numbers '318, '672 and '852) relate to selecting a subset of tags from a larger group, which is in the same general area as patents '561 and '019, relating to selection of tags based on physical attributes, which appear in both cases.

I declare under penalty of perjury under the laws of the State of Delaware that the foregoing is true and correct. Executed this 14th day of August, 2006, in the County of Santa Clara, State of California.


Dr. John Stephen Smith

CERTIFICATE OF SERVICE

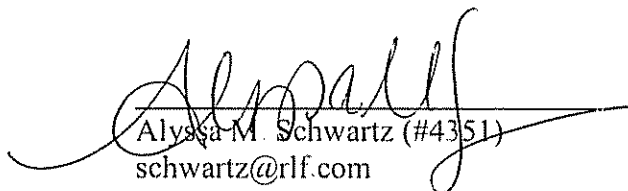
I hereby certify that on August 18, 2006, I electronically filed the foregoing with the Clerk of Court using CM/ECF which will send notification of such filing(s) to the following and which has also been served as noted:

BY HAND DELIVERY

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I hereby certify that on August 18, 2006, I have caused the foregoing to be sent by Federal Express to the following non-registered participants:

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